

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**JL, through her next friend,
Bruce Thompson, Esq., et al.,**

Plaintiffs,

v.

No. 12cv1145 MV/LAM

**NEW MEXICO DEPARTMENT
OF HEALTH, et al.,**

Defendants.

ORDER OF RECUSAL

THIS MATTER is before the Court *sua sponte*. I have received notice from the Article III District Judges that the Magistrate Judge Merit Selection Panel (“Panel”) will be conducting an assessment of my performance for a mid-term appointment review. One of the attorneys in this case serves as a member of the Panel. Pursuant to Canon 3C(1) of the Judicial Code of Conduct, I find that I must recuse from this case during the time that the Panel will be conducting its assessment. In addition, I note that the Committee on Codes of Conduct issued an advisory opinion determining that a magistrate judge is required to recuse from cases in which a Panel member appears as an attorney or party. *See* Advisory Opinion No. 97 (June 2009). I have considered the remittal procedure outlined in Canon 3D for me to remain on this case, but I find that recusal is the better option.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE